

DATA PROTECTION ACT 1998

UNDERTAKING

Data Controller: Leicestershire County Council

County Hall
Glenfield
Leicestershire
LE3 8RA

I, John Sinnott, Chief Executive, of Leicestershire County Council, for and on behalf of Leicestershire County Council hereby acknowledge the details set out below and undertake to comply with the terms of the following Undertaking:

1. Leicestershire County Council is the data controller as defined in section 1(1) of the Data Protection Act 1998 (the "Act"), in respect of the processing of personal data carried out by Leicestershire County Council and is referred to in this Undertaking as the "data controller". Section 4(4) of the Act provides that, subject to section 27(1) of the Act, it is the duty of a data controller to comply with the data protection principles in relation to all personal data in respect of which it is a data controller.
2. The Information Commissioner (the "Commissioner") was provided with a report by the data controller that a briefcase, containing documents to be used for initiating court proceedings, had been stolen from a social worker's house during a burglary. The papers contained sensitive personal data of 18 individuals which outlined details of neglect and requested the removal of the children from their parents' care.
3. The social worker had asked for permission to take the reports home in order to continue work on them, and this was authorised by the relevant manager, in accordance with the data controller's procedures. The thieves made a determined attempt to gain access to the property and, when disturbed by the social worker who was in the property, they exited with the briefcase.

4. It is noted that the data controller had recognised the risks associated with home working and the security of paper documents, and had initiated a specific training programme. At the time of the incident, the employee's manager had received the relevant training, but the social worker had not. Furthermore, while the data controller did have a policy in place, which advised of the security requirements when working at home, but this did not specifically relate to the handling of paper documents.
5. The Commissioner has considered the data controller's compliance with the provisions of the Act in the light of this matter. The relevant provision of the Act is the Seventh Data Protection Principle. This Principle is set out in Schedule 1 Part I to the Act. The Commissioner has also considered the fact that some of the data stolen in this incident consisted of information as to the physical or mental health or condition of the data subjects. Personal data containing such information is defined as "sensitive personal data" under section 2 of the Act.
6. Following consideration of the remedial action that has been taken by the data controller, it is agreed that in consideration of the Commissioner not exercising his powers to serve an Enforcement Notice under section 40 of the Act, the data controller undertakes as follows:

The data controller shall, as from the date of this Undertaking and for so long as similar standards are required by the Act or other successor legislation, ensure that personal data are processed in accordance with the Seventh Data Protection Principle in Part I of Schedule 1 to the Act, and in particular that:

1. Existing policies should be amended to include detailed guidance relating to the security of paper documents whilst home working;
2. Staff are made aware of the data controller's amended policies for the security of personal data and are appropriately trained how to follow that policy;
3. Appropriate monitoring should be implemented by the data controller to ensure compliance with such policies;
4. The data controller shall implement such other security measures as it deems appropriate to ensure that personal

data is protected against unauthorised and unlawful processing, accidental loss, destruction, and/or damage.

Dated.....

Signed.....

John Sinnott
Chief Executive
Leicestershire County Council

Signed.....

Stephen Eckersley
Head of Enforcement
For and on behalf of the Information Commissioner